

REMARKS

After entry of the foregoing amendment, claims 1-51 remain pending in the application.

The allowance of various claims is noted with appreciation, as is the indication of allowable subject matter in certain other claims.

(It appears the Action includes some minor typographical errors, e.g., claims 42 and 45 are listed on the cover sheet as both allowed and objected-to.)

In the foregoing amendments, certain of the method claims have been changed by removing reference to "steps." This term might have suggested an intent that 35 U.S.C. § 112, ¶ 6 be applied to the construction of the claims' elements. No such construction is intended or appropriate. The elements comprising these claims are properly considered "acts," rather than "steps."

Claims 41, 44 and 49 stand rejected under § 102 in view of Tewfik (6,031,914).

The cited Tewfik document is not believed to be prior art, as it was filed in August, 1997, and the claims of the present application are supported by an Australian priority application filed in February, 1997.

While Tewfik claims priority to two provisional applications – one filed prior to the present application's February 1997 priority date, the Tewfik patent does not detail what subject matter was introduced on what date.

Accordingly, if Tewfik is cited as the basis for any further rejection, the Examiner is requested to provide citation to disclosure in the first of the Tewfik priority applications as a basis for the rejections. (A copy of that document, 60/024,979, is enclosed for the Examiner's convenience.)

Substantively, applicants respectfully submit that certain of the teachings cited from Tewfik's '914 patent have been misconstrued. A few examples follow.

In the rejection of claim 41 (and impliedly in the rejection of dependent claim 47), the Action cites block 40 of Tewfik's Fig. 4 for the act of "*subtracting from each of the samples a non-zero value.*" However, this is not understood to be taught by block 40 of Fig. 4. Rather, this block is understood to represent the operation by which the DCT transform coefficients of the input image are analyzed to determine the degree to which they may be changed without being noticeable to the human visual system, resulting in

definition of a corresponding "perceptual mask." See in this regard Tewfik column 7, lines 14-25.

Likewise, in the rejection of claim 44, the Action refers to element 38 of Tewfik's Fig. 4 as anticipating the claim limitation of "*scrambling said order [of samples in each portion] as part of said processing.*" However, no such scrambling of order is understood to be taught by block 38 of Fig. 4. Rather, this block is understood to represent the application of a discrete cosine transform to each block – transforming the image data from the pixel (spatial) domain, into the frequency domain. See in this regard Tewfik, column 7, lines 10-13.

Similarly, in the rejection of claim 49, the Action refers to column 3, lines 51-53 of Tewfik as anticipating the claim limitation of "*providing data corresponding to a logo graphic.*" However, this limitation is not understood to be taught by the cited passage.

The cited passage appears to read:

In one embodiment, m-sequences are used to provide an easy way to generate a unique code of an author's identification.

Nothing in this passage appears to concern a logo graphic.

The Action also cited column 7, lines 36-38 for the claim limitation "*processing the transformed content data in accordance with the data corresponding to the logo graphic.*" Again, however, this limitation is not understood to be taught by the cited passage.

The cited passage appears to read:

In step 46, the watermarked and scaled mask resulting from step 44 is added to the corresponding DCT block resulting from step 38.

Nothing in this passage appears to concern a logo graphic. (The "mask" referred to in this passage is understood to refer to the perceptual mask computed by block 40. The reference to '46' appears to refer to a summation operator to the left of the IDCT block 48 in Fig. 4 – a block which bears a duplicate label 40.)

In view of the foregoing, it appears each of the claims is in condition for allowance, and action to that end is solicited.

COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Applicants respectfully submit that the allowability of the claims indicated as allowable by the Examiner does not hinge on isolated elements thereof. Rather, the claims are believed patentable because, when viewed as a whole, they define combinations that are neither anticipated by, nor obvious over, the prior art.

Respectfully submitted,

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